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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
1998 Biennial Regulatory Review --	)	
Amendment of Parts 2, 25 and 68 of the	)	
Commission's Rules to Further Streamline	)	GEN Docket No. 98-68
the Equipment Authorization Process for	)	
Radio Frequency Equipment. Modify the	)	
Equipment Authorization Process for	)	
Telephone Terminal Equipment, Implement	)	
Mutual Recognition Agreements and Begin	)	
Implementation of the Global Mobile Personal	)	
Communications by Satellite Arrangements	)	

REPLY COMMENTS OF AMSC SUBSIDIARY CORPORATION

AMSC Subsidiary Corporation ("AMSC") hereby replies to comments filed in the above-captioned proceeding, in which the Commission has proposed interim procedures for the certification of Global Mobile Personal Communications offered by Satellite ("GMPCS") equipment. AMSC urges the Commission, in implementing GMPCS procedures to: (i) leave unaltered the Commission's *DISCO II* licensing processes for foreign-licensed satellite systems,[1/] and (ii) reject any MSS out-of-band emissions limit that may be more stringent than NTIA's proposed standard.

I. The Commission Should Reaffirm that Interim Procedures for GMPCS Equipment Certification Will Not Affect the *DISCO II* Blanket Licensing Regime

Constellation Communications, Inc. ("Constellation") and Leo One USA Corp. ("Leo One") suggest that the Commission in the future should "phase out" its current blanket licensing

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1/ Report and Order, Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Service in the United States, 12 FCC Rcd 24094 (1997) ("*DISCO II Order*").

procedures for MSS terminals and instead authorize these terminals exclusively through the GMPCS equipment certification process.[2] AMSC opposes these proposals. The Commission has already established that "the GMPCS MoU does not alter our blanket licensing scheme for mobile earth terminals." *DISCO II Order* at para. 212. Under *DISCO II*, a foreign-licensed system's mobile terminals are the only component of that system that the Commission has jurisdiction over, and the Commission must be able to consider such public interest factors as spectrum availability, character issues, and technical qualifications in deciding whether to allow such terminals to operate in the United States.[3] GMPCS equipment certification, whether by the Commission or by a foreign administration, is not sufficient to permit the proper exercise of this jurisdiction.[4]

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[2] *See* Comments of Constellation at 5-6; Comments of Leo One at 4.

[3] As indicated in its comments, it is particularly important to AMSC that these public interest factors be considered in the blanket licensing process for GMPCS terminals. Comments of AMSC at 4-5. AMSC is the domestic MSS licensee in the L-band, where there is a persistent domestic and international spectrum shortage that has prevented AMSC from obtaining access to the spectrum assigned to it by the Commission. The Commission stated in *DISCO II* that where it has already licensed the maximum number of satellites that can be accommodated in a particular frequency band, it cannot offer opportunities for new entrants, including non-U.S. satellite systems, (*DISCO II Order* at para. 150) and the Commission's established spectrum management policy in the L-band is not to license any other system in the band until AMSC gains full access to its licensed spectrum. *See* Notice of Proposed Rulemaking, Establishing Rules and Policies for the Use of Spectrum for Mobile Satellite Service in the Upper and Lower L-band, IB Docket No. 96-132, paras. 9-11, 16 (June 18, 1996).

[4] Some commenters appear to assume that the presence of a GMPCS mark will assure the free circulation of a terminal into the United States. *See, e.g.,* Comments of Final Analysis Communications Services, Inc. at 4; Comments of Orbital Communications Corp. at 5. As AMSC stated in its Comments, such circulation should not be assumed, given the inherent difficulty of preventing a user from operating an unauthorized terminal once that user has entered the United States. *See* Comments of AMSC at 6. If the Commission is committed to this free circulation, it should also commit to adopt procedures designed to prevent unauthorized GMPCS operators from providing services

(continued...)

II. The Commission Should Reject Any Out-of-Band Emission Standard More Stringent Than NTIA's Proposed Standard

AMSC opposes the arguments of the U.S. GPS Industry Council ("GPS Council"), LSC, Inc. ("LSC"), and Raytheon that the out-of-band emissions limits proposed by the Commission for its interim GMPCS equipment certification procedure -- based on limits proposed by NTIA last September -- are insufficient to protect GPS receivers in land and marine environments.[5/] *See* Comments of GPS Council; Comments of LSC, Inc.; Comments of Raytheon. The GPS industry has been aware for years of the development of existing and proposed out-of-band

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4/ (...continued)
to terminals brought into U.S. territory.

5/ *Id.* NTIA proposes that mobile terminals operating in the 1610-1660.5 MHz band must comply with an out-of-band emission limit of - 70 dBW/MHz for wide band signals in the band 1559-1580.42.MHz, and with a limit of -80 dBW/700 Hz for narrow band signals in the bank 1559-1585.42 MHz. Mobile terminals commissioned prior to January 1, 2002 that operate in the 1610-1626.5 MHz band must comply with out-of-band emission limits of -64 dBW/MHz for wide band signals in the 1580.42-1605 MHz band and -74 dBW/700 Hz for narrow band signals in the 1585.42-1605 MHz band. Mobile terminals operating in the 1610-1660.5 MHz band that are commissioned after January 1, 2002 must be built to satisfy the -70 dBW/MHz and -80 dBW/700 Hz limits in the 1559-1605 MHz band. Finally, all mobile terminals operating in the 1610.-1660.5 MHz band commissioned for use before January 1, 2002 that do not meet the -70 dBW/MHz and -80 dBW/700 Hz limits in the 1559-1605 MHz band would be permitted to operate until January 1, 2005, after which time such non-compliant terminals would have to be permanently deactivated, modified to permit compliance, or constrained to operate on certain frequencies. *See* Letter from Richard D. Parlow, Associate Administrator, Spectrum Management, National Telecommunications and Information Administration to Regina M. Keeney, Chief, International Bureau (September 18, 1997).

AMSC has also opposed NTIA's proposed out-of-band emission limits, on the basis that the NTIA standard (i) is unnecessarily stringent, (ii) would require satellite system operators and mobile terminal manufacturers to bear the heavy burden of replacing the customers' existing non-compliant terminals, rather than placing the burden on users of GNSS, and (iii) does not take into account emissions from much more pervasive sources, such as VHF radios operating in taxicabs, police vehicles, and other dispatch communications systems. *See* Comments of AMSC, RM-9165 (December 8, 1995) ("AMSC GNSS Comments").

emissions limits for MSS terminals; the burden should be on them to produce receivers that are resistant to MSS emissions. While the applications the Council seeks to protect are, at best, potential future uses of GPS, the MSS systems that would be affected by the proposals of these commenters have already been developed, deployed, and either are already in service, like AMSC, or will soon begin to offer service. It is not fair to these MSS operators to perpetually reassess the necessary limits on MSS emissions with the arrival of each successive GPS marketing plan. AMSC has been working with its mobile terminal manufacturers towards compliance with the NTIA-proposed standard, and further adjustment would be unfair to AMSC and other MSS operators that make the reasonable decision to incorporate this standard into their mobile terminal design.

Finally, GPS Council, LSC, and Raytheon ignore far more pervasive emissions from VHF radios, amateur radios, and broadcast television transmitters. *See* AMSC GNSS Comments at 7-8, 14-15. The Commission should reject the efforts of GPS Council, LSC, and Raytheon to single out the MSS industry in addressing the issue of potential interference.

Conclusion

Therefore, based on the foregoing, AMSC urges the Commission to act consistent with the views expressed in these Reply Comments.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Edwin Leon Gibbs, a temporary secretary to the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., hereby certify that on this 26th day of August, 1998, I served a true copy of the foregoing "Reply Comments" by first class United States Mail, postage prepaid, upon the following:

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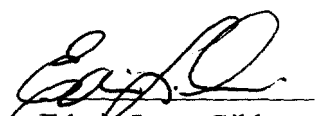

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